

[COMMITTEE PRINT]109TH CONGRESS
1ST SESSION**H. R.** _____

To ensure jobs for our future with secure and reliable energy.

IN THE HOUSE OF REPRESENTATIVESM__. _____ introduced the following bill; which was referred to the
Committee on _____
_____**A BILL**

To ensure jobs for our future with secure and reliable energy.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Energy Policy Act of 2005”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ENERGY EFFICIENCY

Subtitle A—Federal Programs



2

- Sec. 101. Energy and water saving measures in congressional buildings.
- Sec. 102. Energy management requirements.
- Sec. 103. Energy use measurement and accountability.
- Sec. 104. Procurement of energy efficient products.
- Sec. 105. Energy Savings Performance Contracts.
- Sec. 107. Voluntary commitments to reduce industrial energy intensity.
- Sec. 108. Advanced Building Efficiency Testbed.
- Sec. 109. Federal building performance standards.

Subtitle B—Energy Assistance and State Programs

- Sec. 121. Low Income Home Energy Assistance Program.
- Sec. 122. Weatherization assistance.
- Sec. 123. State energy programs.
- Sec. 124. Energy efficient appliance rebate programs.
- Sec. 125. Energy efficient public buildings.
- Sec. 126. Low income community energy efficiency pilot program.

Subtitle C—Energy Efficient Products

- Sec. 131. Energy Star Program.
- Sec. 132. HVAC maintenance consumer education program.
- Sec. 133. Energy conservation standards for additional products.
- Sec. 134. Energy labeling.

Subtitle D—Public Housing

- Sec. 141. Capacity building for energy-efficient, affordable housing.
- Sec. 142. Increase of CDBG public services cap for energy conservation and efficiency activities.
- Sec. 143. FHA mortgage insurance incentives for energy efficient housing.
- Sec. 144. Public housing capital fund.
- Sec. 145. Grants for energy-conserving improvements for assisted housing.
- Sec. 146. North American Development Bank.
- Sec. 147. Energy-efficient appliances.
- Sec. 148. Energy efficiency standards.
- Sec. 149. Energy strategy for HUD.

TITLE II—RENEWABLE ENERGY

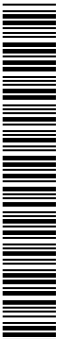
Subtitle A—General Provisions

- Sec. 201. Assessment of renewable energy resources.
- Sec. 202. Renewable energy production incentive.
- Sec. 203. Federal purchase requirement.
- Sec. 204. Insular areas energy security.
- Sec. 206. Grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes.
- Sec. 207. Biobased products.
- Sec. 208. Renewable energy security.

Subtitle C—Hydroelectric

PART I—ALTERNATIVE CONDITIONS

- Sec. 231. Alternative conditions and fishways.



3

PART II—ADDITIONAL HYDROPOWER

- Sec. 241. Hydroelectric production incentives.
- Sec. 242. Hydroelectric efficiency improvement.
- Sec. 243. Small hydroelectric power projects.
- Sec. 244. Increased hydroelectric generation at existing Federal facilities.
- Sec. 245. Shift of project loads to off-peak periods.

TITLE III—OIL AND GAS

Subtitle A—Petroleum Reserve and Home Heating Oil

- Sec. 301. Permanent authority to operate the Strategic Petroleum Reserve and other energy programs.
- Sec. 302. National Oilheat Research Alliance.

Subtitle B—Production Incentives

- Sec. 320. Liquefaction or gasification natural gas terminals.
- Sec. 327. Hydraulic fracturing.
- Sec. 328. Oil and gas exploration and production defined.
- Sec. 329. Outer Continental Shelf provisions.
- Sec. 330. Appeals relating to pipeline construction or offshore mineral development projects.
- Sec. 332. Natural gas market reform.
- Sec. 333. Natural gas market transparency.

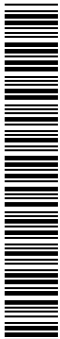
Subtitle C—Access to Federal Land

- Sec. 344. Consultation regarding oil and gas leasing on public land.
- Sec. 346. Compliance with Executive Order 13211; actions concerning regulations that significantly affect energy supply, distribution, or use.
- Sec. 348. Deadline for consideration of applications for permits.
- Sec. 349. Clarification of fair market rental value determinations for public land and Forest Service rights-of-way.
- Sec. 350. Energy facility rights-of-way and corridors on Federal land.
- Sec. 351. Consultation regarding energy rights-of-way on public land.
- Sec. 353. Electricity transmission line right-of-way, Cleveland National Forest and adjacent public land, California.
- Sec. 355. Encouraging prohibition of off-shore drilling in the Great Lakes.
- Sec. 356. Finger Lakes National Forest withdrawal.
- Sec. 358. Federal coalbed methane regulation.

Subtitle D—Refining Revitalization

- Sec. 371. Short title.
- Sec. 372. Findings.
- Sec. 373. Purpose.
- Sec. 374. Designation of Refinery Revitalization Zones.
- Sec. 375. Memorandum of understanding.
- Sec. 376. State environmental permitting assistance.
- Sec. 377. Coordination and expeditious review of permitting process.
- Sec. 378. Compliance with all environmental regulations required.
- Sec. 379. Definitions.

TITLE IV—COAL



4

Subtitle A—Clean Coal Power Initiative

- Sec. 401. Authorization of appropriations.
- Sec. 402. Project criteria.
- Sec. 403. Report.
- Sec. 404. Clean Coal Centers of Excellence.

Subtitle B—Clean Power Projects

- Sec. 411. Coal technology loan.
- Sec. 412. Coal gasification.
- Sec. 414. Petroleum coke gasification.
- Sec. 416. Electron scrubbing demonstration.

Subtitle D—Coal and Related Programs

- Sec. 441. Clean air coal program.

TITLE VI—NUCLEAR MATTERS

Subtitle A—Price-Anderson Act Amendments

- Sec. 601. Short title.
- Sec. 602. Extension of indemnification authority.
- Sec. 603. Maximum assessment.
- Sec. 604. Department of Energy liability limit.
- Sec. 605. Incidents outside the United States.
- Sec. 606. Reports.
- Sec. 607. Inflation adjustment.
- Sec. 608. Treatment of modular reactors.
- Sec. 609. Applicability.
- Sec. 610. Prohibition on assumption by United States Government of liability
for certain foreign incidents.
- Sec. 611. Civil penalties.
- Sec. 612. Financial accountability.

Subtitle B—General Nuclear Matters

- Sec. 621. Licenses.
- Sec. 622. NRC training program.
- Sec. 623. Cost recovery from government agencies.
- Sec. 624. Elimination of pension offset.
- Sec. 625. Antitrust review.
- Sec. 626. Decommissioning.
- Sec. 627. Limitation on legal fee reimbursement.
- Sec. 629. Report on feasibility of developing commercial nuclear energy genera-
tion facilities at existing Department of Energy sites.
- Sec. 630. Uranium sales.
- Sec. 631. Cooperative research and development and special demonstration
projects for the uranium mining industry.
- Sec. 632. Whistleblower protection.
- Sec. 633. Medical isotope production.
- Sec. 634. Fernald byproduct material.
- Sec. 635. Safe disposal of greater-than-class C radioactive waste.
- Sec. 636. Prohibition on nuclear exports to countries that sponsor terrorism.
- Sec. 638. National uranium stockpile.

Subtitle C—Advanced Reactor Hydrogen Cogeneration Project



5

- Sec. 651. Project establishment.
- Sec. 652. Project definition.
- Sec. 653. Project management.
- Sec. 654. Project requirements.
- Sec. 655. Authorization of appropriations.

Subtitle D—Nuclear Security

- Sec. 661. Nuclear facility threats.
- Sec. 662. Fingerprinting for criminal history record checks.
- Sec. 663. Use of firearms by security personnel of licensees and certificate holders of the Commission.
- Sec. 664. Unauthorized introduction of dangerous weapons.
- Sec. 665. Sabotage of nuclear facilities or fuel.
- Sec. 666. Secure transfer of nuclear materials.
- Sec. 667. Department of Homeland Security consultation.
- Sec. 668. Authorization of appropriations.

TITLE VII—VEHICLES AND FUELS

Subtitle A—Existing Programs

- Sec. 701. Use of alternative fuels by dual-fueled vehicles.
- Sec. 704. Incremental cost allocation.
- Sec. 705. Lease condensates.
- Sec. 706. Review of Energy Policy Act of 1992 programs.
- Sec. 707. Report concerning compliance with alternative fueled vehicle purchasing requirements.

Subtitle B—Hybrid Vehicles, Advanced Vehicles, and Fuel Cell Buses

PART 1—HYBRID VEHICLES

- Sec. 711. Hybrid vehicles.
- Sec. 712. Hybrid retrofit and electric conversion program.

PART 2—ADVANCED VEHICLES

- Sec. 721. Definitions.
- Sec. 722. Pilot program.
- Sec. 723. Reports to Congress.
- Sec. 724. Authorization of appropriations.

PART 3—FUEL CELL BUSES

- Sec. 731. Fuel cell transit bus demonstration.

Subtitle C—Clean School Buses

- Sec. 741. Definitions.
- Sec. 742. Program for replacement of certain school buses with clean school buses.
- Sec. 743. Diesel retrofit program.
- Sec. 744. Fuel cell school buses.

Subtitle D—Miscellaneous

- Sec. 751. Railroad efficiency.
- Sec. 752. Mobile emission reductions trading and crediting.



6

- Sec. 753. Aviation fuel conservation and emissions.
- Sec. 754. Diesel fueled vehicles.
- Sec. 757. Biodiesel engine testing program.
- Sec. 758. High occupancy vehicle exception.

Subtitle E—Automobile Efficiency

- Sec. 771. Authorization of appropriations for implementation and enforcement of fuel economy standards.
- Sec. 772. Revised considerations for decisions on maximum feasible average fuel economy.
- Sec. 773. Extension of maximum fuel economy increase for alternative fueled vehicles.
- Sec. 774. Study of feasibility and effects of reducing use of fuel for automobiles.

TITLE VIII—HYDROGEN

- Sec. 801. Definitions.
- Sec. 802. Plan.
- Sec. 803. Programs.
- Sec. 804. Interagency task force.
- Sec. 805. Advisory Committee.
- Sec. 806. External review.
- Sec. 807. Miscellaneous provisions.
- Sec. 808. Savings clause.
- Sec. 809. Authorization of appropriations.

TITLE IX—STUDIES AND PROGRAM SUPPORT

- Sec. 901. Goals.
- Sec. 902. Definitions.

Subtitle A—Energy Efficiency

- Sec. 904. Energy efficiency.
- Sec. 905. Next Generation Lighting Initiative.
- Sec. 906. National Building Performance Initiative.
- Sec. 907. Secondary electric vehicle battery use program.
- Sec. 908. Energy Efficiency Study Initiative.
- Sec. 909. Electric motor control technology.
- Sec. 910. Advanced Energy Technology Transfer Centers.

Subtitle B—Distributed Energy and Electric Energy Systems

- Sec. 911. Distributed energy and electric energy systems.
- Sec. 912. Hybrid distributed power systems.
- Sec. 913. High power density industry program.
- Sec. 914. Micro-cogeneration energy technology.
- Sec. 915. Distributed energy technology program.
- Sec. 916. Reciprocating power.

Subtitle C—Renewable Energy

- Sec. 918. Renewable energy.
- Sec. 919. Bioenergy programs.
- Sec. 920. Concentrating solar power study program.
- Sec. 921. Miscellaneous projects.



Sec. 922. Renewable energy in public buildings.

Subtitle D—Nuclear Energy

Sec. 924. Nuclear energy.
Sec. 925. Nuclear energy research and development programs.
Sec. 926. Advanced fuel cycle initiative.
Sec. 927. University nuclear science and engineering support.
Sec. 928. Security of reactor designs.
Sec. 929. Alternatives to industrial radioactive sources.
Sec. 930. Geological isolation of spent fuel.

Subtitle E—Fossil Energy

PART I—STUDIES AND PROGRAM SUPPORT

Sec. 931. Fossil energy.
Sec. 932. Oil and gas studies.
Sec. 933. Technology transfer.
Sec. 934. Coal mining technologies.
Sec. 935. Coal and related technologies program.
Sec. 936. Complex Well Technology Testing Facility.

PART II—ULTRA-DEEPWATER AND UNCONVENTIONAL NATURAL GAS AND
OTHER PETROLEUM RESOURCES

Sec. 941. Program authority.
Sec. 942. Ultra-deepwater program.
Sec. 943. Unconventional natural gas and other petroleum resources program.
Sec. 944. Additional requirements for awards.
Sec. 945. Advisory committees.
Sec. 946. Limits on participation.
Sec. 947. Sunset.
Sec. 948. Definitions.
Sec. 949. Funding.

Subtitle F—Energy Sciences

Sec. 952. United States participation in ITER.
Sec. 953. Plan for Fusion Energy Sciences Program.
Sec. 954. Spallation Neutron Source.
Sec. 962. Nitrogen fixation.

Subtitle G—Energy and Environment

Sec. 966. Waste reduction and use of alternatives.
Sec. 967. Report on fuel cell test center.
Sec. 968. Arctic Engineering Research Center.
Sec. 969. Barrow Geophysical Research Facility.
Sec. 970. Western Michigan demonstration project.

TITLE X—DEPARTMENT OF ENERGY MANAGEMENT

Sec. 1001. Additional Assistant Secretary position.
Sec. 1002. Other transactions authority.

TITLE XII—ELECTRICITY

Sec. 1201. Short title.



Subtitle A—Reliability Standards

Sec. 1211. Electric reliability standards.

Subtitle B—Transmission Infrastructure Modernization

Sec. 1221. Siting of interstate electric transmission facilities.

Sec. 1222. Third-party finance.

Sec. 1223. Transmission system monitoring.

Sec. 1224. Advanced transmission technologies.

Sec. 1225. Electric transmission and distribution programs.

Sec. 1226. Advanced Power System Technology Incentive Program.

Sec. 1227. Office of Electric Transmission and Distribution.

Subtitle C—Transmission Operation Improvements

Sec. 1231. Open nondiscriminatory access.

Sec. 1232. Sense of Congress on Regional Transmission Organizations.

Sec. 1233. Regional Transmission Organization applications progress report.

Sec. 1234. Federal utility participation in Regional Transmission Organizations.

Sec. 1235. Standard market design.

Sec. 1236. Native load service obligation.

Sec. 1237. Study on the benefits of economic dispatch.

Subtitle D—Transmission Rate Reform

Sec. 1241. Transmission infrastructure investment.

Sec. 1242. Voluntary transmission pricing plans.

Subtitle E—Amendments to PURPA

Sec. 1251. Net metering and additional standards.

Sec. 1252. Smart metering.

Sec. 1253. Cogeneration and small power production purchase and sale requirements.

Subtitle F—Repeal of PUHCA

Sec. 1261. Short title.

Sec. 1262. Definitions.

Sec. 1263. Repeal of the Public Utility Holding Company Act of 1935.

Sec. 1264. Federal access to books and records.

Sec. 1265. State access to books and records.

Sec. 1266. Exemption authority.

Sec. 1267. Affiliate transactions.

Sec. 1268. Applicability.

Sec. 1269. Effect on other regulations.

Sec. 1270. Enforcement.

Sec. 1271. Savings provisions.

Sec. 1272. Implementation.

Sec. 1273. Transfer of resources.

Sec. 1274. Effective date.

Sec. 1275. Service allocation.

Sec. 1276. Authorization of appropriations.

Sec. 1277. Conforming amendments to the Federal Power Act.

Subtitle G—Market Transparency, Enforcement, and Consumer Protection



9

- Sec. 1281. Market transparency rules.
- Sec. 1282. Market manipulation.
- Sec. 1283. Enforcement.
- Sec. 1284. Refund effective date.
- Sec. 1285. Refund authority.
- Sec. 1286. Sanctity of contract.
- Sec. 1287. Consumer privacy and unfair trade practices.

Subtitle H—Merger Reform

- Sec. 1291. Merger review reform and accountability.
- Sec. 1292. Electric utility mergers.

Subtitle I—Definitions

- Sec. 1295. Definitions.

Subtitle J—Technical and Conforming Amendments

- Sec. 1297. Conforming amendments.

TITLE XIV—MISCELLANEOUS

Subtitle B—Coastal Programs

- Sec. 1411. Royalty payments under leases under the Outer Continental Shelf Lands Act.
- Sec. 1412. Domestic offshore energy reinvestment.

Subtitle C—Other Provisions

- Sec. 1441. Continuation of transmission security order.
- Sec. 1442. Review of agency determinations.
- Sec. 1443. Attainment dates for downwind ozone nonattainment areas.
- Sec. 1444. Energy production incentives.
- Sec. 1446. Regulation of certain oil used in transformers.
- Sec. 1447. Risk assessments.

TITLE XV—ETHANOL AND MOTOR FUELS

Subtitle A—General Provisions

- Sec. 1501. Renewable content of motor vehicle fuel.
- Sec. 1502. Fuels safe harbor.
- Sec. 1503. Findings and MTBE transition assistance.
- Sec. 1504. Use of MTBE.
- Sec. 1505. National Academy of Sciences review and presidential determination.
- Sec. 1506. Elimination of oxygen content requirement for reformulated gasoline.
- Sec. 1507. Analyses of motor vehicle fuel changes.
- Sec. 1508. Data collection.
- Sec. 1509. Reducing the proliferation of State fuel controls.
- Sec. 1510. Fuel system requirements harmonization study.
- Sec. 1511. Commercial byproducts from municipal solid waste and cellulosic biomass loan guarantee program.
- Sec. 1513. Cellulosic biomass and waste-derived ethanol conversion assistance.
- Sec. 1514. Blending of compliant reformulated gasolines.



10

Subtitle B—Underground Storage Tank Compliance

- Sec. 1521. Short title.
- Sec. 1522. Leaking underground storage tanks.
- Sec. 1523. Inspection of underground storage tanks.
- Sec. 1524. Operator training.
- Sec. 1525. Remediation from oxygenated fuel additives.
- Sec. 1526. Release prevention, compliance, and enforcement.
- Sec. 1527. Delivery prohibition.
- Sec. 1528. Federal facilities.
- Sec. 1529. Tanks on Tribal lands.
- Sec. 1530. Future release containment technology.
- Sec. 1531. Authorization of appropriations.
- Sec. 1532. Conforming amendments.
- Sec. 1533. Technical amendments.

Subtitle C—Boutique Fuels

- Sec. 1541. Reducing the proliferation of boutique fuels.

TITLE XVI—STUDIES

- Sec. 1601. Study on inventory of petroleum and natural gas storage.
- Sec. 1605. Study of energy efficiency standards.
- Sec. 1606. Telecommuting study.
- Sec. 1607. LIHEAP report.
- Sec. 1608. Oil bypass filtration technology.
- Sec. 1609. Total integrated thermal systems.
- Sec. 1610. University collaboration.
- Sec. 1611. Reliability and consumer protection assessment.

